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ABSTRACT

Over the past 13 years, strategic and fiscal challenges forced the United States Navy into extended deployments and delayed maintenance cycles. The Navy conducted sustained operations in support of Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF). Over this time period, the fleet experienced longer deployments, a lowered surge capacity, reduced service life, and shorter training cycles between deployments.

The United States Navy currently has only 272 ships in the fleet. The decommissioning of the last frigates later this year will force the Navy to utilize platforms such as destroyers, patrol craft, and Joint High Speed Vessels (JHSV) to conduct counter narcotic missions and to provide theater security capabilities. The Navy must determine which platforms can be utilized to conduct quick and decisive military action from the sea against unconventional targets in denied and sensitive areas.

Recently, Congress denied a request by the United States Navy to deactivate 11 cruisers and three amphibious ships in order to deal with rising maintenance costs. Instead, these ships will undergo extensive maintenance and modernization to extend their service lives. Along similar

lines, budget constraints have forced the Navy and Marine Corps to make difficult decisions concerning the amphibious ship force. The 2015 budget provided incremental funding for the 28th LPD-17 vessel. These decisions could threaten traditional amphibious missions and future deployment rotations. Traditional amphibious capabilities are being reduced and the Navy must find new and creative ways to conduct these vital missions.

This paper focuses on the possibility of chartering and leasing commercial vessels to project United States combat power around the globe. This assessment will examine a variety of sea basing options that could provide both conventional and special operations forces with increased flexibility, maneuverability, and the potential for surprise. Finally, the legal issues related to civilians serving on these ships and being involved in hostilities will be discussed.

Sea basing provides forward presence, crisis response, and global coverage. The Navy and Marine Corps can conduct sea based operations from the T-AKE, Mobile Landing Platform (MLP), Large Medium Speed Roll on/Roll off (LMSR), and Joint High Speed Vessel (JHSV). Sea basing supports special operations forces for short and long durations of time. Sea based special operations forces have conducted

covert and clandestine missions in sensitive areas of the world to keep American citizens safe and to achieve policy objectives.

To begin, the various platforms used to conduct sea-basing operations for the purpose of transporting and sustaining special operations forces need to be examined.

ACRONYMS/ABBREVIATIONS

AFSB	Afloat Staging Base
CG	Guided Missile Cruiser
CJCS	Chairman of the Joint Chiefs of Staff
CNO	Chief of Naval Operations
CO	Commanding Officer
DDG	Guided Missile Destroyer
DOD	Department of Defense
DOTMLPF	Doctrine, Organizations, Training, Materiel, Leadership, Education, Personnel, and Facilities
FFG	Guided Missile Frigate
FRP	Fleet Response Plan
GCC	Geographical Combatant Commander
GFMAP	Global Force Management Allocation Plan
GWOT	Global War on Terrorism
HF	High Frequency
IDTC	Inter-Deployment Training Cycle
JAG	Judge Advocate General
JHSV	Joint High Speed Vessel
LCS	Littoral Combat Ship
LMSR	Large/Medium Speed Roll on/Roll Off
LPD	Landing Platform Dock
LSD	Landing Ship Dock
MCM	Mine Countermeasures Ship

MSC	Military Sealift Command
MSV	Maritime Support Vessel
PC	Coastal Patrol Craft
QDR	Quadrennial Defense Review
SEAL	Sea Air and Land
SECDEF	Secretary of Defense
SF	Special Forces
SHF	Super High Frequency
SOF	Special Operations Forces
SIPRNET	Secret Internet Protocol Router Network
TSV	Theater Support Vessel
UHF	Ultra High Frequency
USSOCOM	United States Special Operations Command
VHF	Very High Frequency
VOIP	Voice over Internet Protocol
VTC	Video Teleconference

EXECUTIVE SUMMARY

The global threats and crises around the world require naval forces capable of striking quickly while maintaining a global presence. The United States Navy is currently comprised of 272 deployable ships. After the decommissioning of five frigates in late 2015, the United States Navy will be reduced to approximately 270 ships. This reduction will force the Navy to develop alternatives to support its current Global Force Management Allocation Plan (GFMAP). The Global Force Management Allocation Plan is a planning tool used by the Navy to determine the number of warships required in a particular region in the event of war or crisis. The overall plan is classified and includes exact numbers based on Combatant Commander requirements and operational plans. Former U.S. Fifth Fleet Commander VADM (Ret) Kevin Cosgriff states, "the Department of Defense announced the GFMAP distribution achieved only 44% of the global Geographic Combatant Commander requests. Sourcing all GCC requirements would require about 450 combatant ships with requisite supporting structure and readiness."¹ (Grant and Cosgriff (2014)) Special mission platforms and the leasing of civilian merchant vessels are needed to

employ, sustain, and project combat power in a maritime environment. These platforms can also be used to transport special operations and conventional troops. Additionally, these ships can refuel smaller ships and carry large inventories of repair parts.

Military Sealift Command is responsible for providing ammunition, fuel, and basic supplies for all US armed forces at sea. Military Sealift Command owns the special mission platforms that provide undersea intelligence, oceanographic survey, submarine, and special warfare support. The Secretaries of the Army and Navy agreed that Military Sealift Command would crew and operate the five Army Joint High Speed Vessels in addition to the Navy's five. There will be 21 civilian mariners per ship. CDR Chris Rawley, Commanding Officer of MSC Afloat Mission Command and Control Unit stated "Experimentation with special operations forces aboard USNS Choctaw County (JHSV) will be conducted later this year." ⁱⁱ (Rawley 2014)

The employment of maritime forces typically involves United States naval vessels officially designated and commissioned as such, operating around the globe. While conducting military operations, these forces require logistical sustainment and force protection. These naval forces may be comprised of one or multiple ships to

accomplish operational tasks. This thesis advocates the use of Military Sealift Command Ships to support special operations forces and conventional forces.

Special Operations Forces can deploy from both land and sea based locations to conduct covert operations in denied areas. United States Special Operations Command (USSOCOM) is the combatant command responsible for executing all operational plans associated with the Global War on Terrorism (GWOT). USSOCOM is responsible for training, equipping, and deploying special operations forces to regional combatant commanders in support of GWOT operations. Army Special Forces (SF) and Navy Sea, Air, and Land (SEAL) teams often conduct land-based missions while supported from a maritime platform. Additionally, Marine Expeditionary Unit Special Operations Capable (MEUSOC) and Air Force Special Operations forces will be able to utilize the platforms to conduct combat search and rescue missions, civilian evacuations, and provide increased security to US embassies and bases.

In the near future the United States Navy will require the use of chartered merchant ships to fulfill maritime obligations for the Geographic Combatant Commander and to meet Global Force Management operations in other regions.

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INTRODUCTION

In the words of Randy Forbes (Republican-Virginia),
Chairman of the House Armed Service Seapower and Projection
Forces Subcommittee

No one will dispute that we have the most capable Navy in the world. However, a dichotomy exists when you contrast the decline in our Navy readiness posture due to decreased funding and increased military capabilities of many emerging powers. ⁱⁱⁱ (Forbes 2011)

A series of manning and maintenance decisions made by Navy leadership over the previous decade placed a strain on the Navy's ships and readiness. The number of U.S. Navy warships has declined over the past 13 years, but the number of global crises requiring a response has increased. At the start of Operation Enduring Freedom and Operation Iraqi Freedom (OEF/OIF), the Navy had 316 ships in the fleet. By the end of 2015 it is estimated the number will be reduced to 270.

Despite budget cuts, the Navy must preserve its existing fleet, resolve maintenance availability challenges, and address readiness issues. Unfortunately, the actions the Navy needs to take to increase the number of available warships in the current fiscal environment will be difficult. The Navy does not have a comprehensive plan to address extended deployments, shortened maintenance periods, and decreased surge capacity due to lack of ship

availability. The option of turning to chartered merchant vessels to transport special operations forces and conventional troops to relieve the workload on traditional grey hull vessels is the subject of this paper.

Despite budget constraints, the United States must maintain a force capable of striking an enemy at sea or ashore. In the view of Admiral Jonathan Greenert current Chief of Naval Operations, "Presence remains the mandate of the Navy and the Navy service must operate forward when and where it matters." ^{iv} (Greenert 2014) Chartered commercial ships will enable our forces to strike enemy forces from the air and the sea while ensuring they can conduct sustained combat operations if conflict arises. Chartered commercial ships will need to be designated United States Ship (U.S.S.) to conduct offensive operations, but this will ease a number of budget constraints currently faced by the United States Navy. The Navy will not be required to pay additional sea pay to sailors and Marines on extended deployments, and could save research and design money for shipboard weapons systems. While these ships are less capable than traditional warships, their efficiency and ability to remain on station for large periods of time will benefit the Navy. These ships will augment the current U.S. naval fleet and will help increase presence.

Despite the withdrawal of troops from Iraq and Afghanistan, the Navy will maintain a role in projecting force around the globe. The pivot to the Asian and Pacific regions will require additional naval capabilities. The Navy will rebalance its fleet to a 60/40 Pacific/Atlantic alignment with the rebalance to the Asia and Pacific region. Currently, the Navy divides its ships more or less evenly between the Atlantic and Pacific oceans. By 2020, however, the Navy expects to put 60 percent of its ships in the Pacific region. The use of Mobile Landing Platforms, Afloat Staging Bases, and Joint High Speed Vessels will help ease the presence gaps and move troops in theater quickly.

In 2003, then Chief of Naval Operations Vern Clark directed the development of the Fleet Response Plan to get more warships to sea. The Fleet Response Plan replaced the Inter-Deployment Training Cycle (IDTC). The Fleet Response plan contains four phases designed to produce or sustain a readiness output. These include the basic phase, the integrated phase, the sustainment phase, and the maintenance phase. During the basic phase each ship focuses on basic warfare skills and safety. A vessel that completed this phase is qualified for humanitarian assistance and counter narcotic operations.

The integrated phase prepares the ships for major combat operations. Multiple units work together to accomplish common goals and can conduct task group level training. In the sustainment phase the task force conducts virtual and live exercises to maintain readiness levels and will normally deploy during this phase. During the maintenance phase the ship undergoes repairs and personnel attend formal schools and take courses to work on shipboard equipment. The Fleet Response Plan improves and sustains readiness over a significant period of time.

Methodology

It is important to assess the Navy's need to use chartered civilian ships to transport special operations troops and conventional troops, and to project a naval presence in various areas of operations. Recent studies conducted by think tanks and congressional testimony by the Chief of Naval Operations, address naval presence, material readiness, and provide relevant assessments. This analysis validates the hypothesis that due to a decreasing number of available ships in the Navy, chartered civilian ships must be used to help satisfy Geographical Combatant Commander requests for vessels. In this regard it is important to examine the costs of each alternative platform, potential consequences for using these ships in conflict, and the

advantages and disadvantages of alternative platforms.

This includes examining alternative uses for the alternative platforms, beyond transporting special operations forces troops and projecting naval presence.

The first factor that must be recognized is how the decommissioning of ships, the lack of maintenance availabilities, and the increased operational tempo resulted in a surface fleet incapable of meeting combatant commanders requirements for global presence. This is placed in perspective when one examines the combatant commanders Global Force Management Allocation Plan requirements and the number of ships provided by the Navy in response to Geographical combatant commander requests.

A good place to start is with the concept of sea basing and its importance to the Navy and combatant commanders. This concept addresses the Navy's intentions to meet requirements of the GFMAP while meeting the requests of combatant commanders.

Definition of Terms

Definitions of key naval terms used throughout this paper are as follows:

According to The Commander's Handbook on the Law of Naval Operations, International law defines a warship as a ship belonging to the armed forces of a nation bearing the external markings distinguishing the character and nationality of such ships, under the command of an officer duly commissioned by the government of that nation and whose name appears in the appropriate service list of officers, and manned by a crew that is under regular armed forces discipline (the mere presence of a number of civilians onboard a warship does not alter the status of the vessel). In the U.S. Navy, those, ships designated "USS" are warships as defined by international law. U.S. Coast Guard vessels designated "USCGC" under the command of a commissioned officer are also "warships" under international law. ^v (Warfare Development Command 2007)

Auxiliary vessels are vessels, other than warships, that are owned by or under the exclusive control of the armed forces. Because they are state owned or operated and used for the time being only on government noncommercial service, auxiliary vessels enjoy sovereign immunity. This means that, like warships, they are immune from arrest and search, whether in national or international waters. Like warships, they are exempt from foreign taxes and regulation, and exercise exclusive control over all passengers and crew with respect to acts performed onboard. U.S. Navy, U.S. Coast Guard and U.S. Army vessels that, except for the lack of a commissioned officer as commanding officer would be warships are also auxiliary vessels. ^{vi} (Warfare Development Command 2007)

The Military Sealift Command (MSC) Force includes: (1) United States Naval Ships (USNS) (i.e., U.S. owned vessels or those under bareboat charter, and assigned to MSC); (2) the National Defense Reserve Fleet (NDRF) and the Ready Reserve Fleet (RRF) (when activated and assigned to MSC); (3) privately owned vessels under time charter assigned to the Afloat Prepositioned Force (APF); and (4) those vessels chartered by MSC for a period of time or for a specific

voyage or voyages. All USNS, APF, NDRF, and RRF vessels are entitled to full rights of sovereign immunity. As a matter of policy, however the U.S. claims only freedom from arrest and taxation for those MSC force time and voyage charters not included in the APF. The United States, also as a matter of policy, does not currently claim sovereign immunity for MSC foreign flagged voyage or MSC foreign flagged time-chartered vessels. The Naval Fleet Auxiliary Force (NFAF) fleet are government owned ships manned by civil service merchant marine mariners (CIVMARs).^{vii} (Warfare Development Command 2007)

International armed conflict is "declared war or any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them (see common Article 2 of the Geneva Conventions of 1949). Generally speaking this is war between two nation states. The law governing international armed conflict is known as the law of armed conflict or the law of war. The law of armed conflict is comprised of all international law for the conduct of hostilities that is binding on the United States or its individual citizens, including treaties and international agreements to which the United States is a party, and applicable customary international law.^{viii} (Warfare Development Command 2007)

Non-international armed conflict is defined in common Article 3 of the Geneva Conventions of 1949 as armed conflict not an international character occurring in the territory of one of the High Contracting Parties. In general terms, this is civil war or other forms of domestic rebellion occurring within the territory of a nation state. In cases of non-international armed conflict, common Article 3 of the Geneva Conventions applies.

Special operations forces (SOF) are small, specially organized units manned by people carefully selected and trained to operate under physically demanding and psychologically stressful conditions to accomplish missions using modified equipment and unconventional applications of tactics against strategic and operational objectives.^{ix} (Warfare Development Command 2007)

Rules of Engagement (ROE) are the directives issued by competent military authority which delineate the circumstances and limitations under which US forces will

initiate and/or continue combat engagement with other forces encountered." * (JP 3-05 2007)

The Secretary of Defense has provided the Standing Rules of Engagement (SROE) as stand-alone guidance for US forces that can be easily and quickly amended or clarified to meet mission-specific requirements. SROE apply in the absence of specific guidance from higher authority in the form of supplemental measures. SROE also provides lists of numbered supplemental measures that may be provided by, or requested from, higher authority to tailor ROE for a particular SOF mission. GCCs also may augment the SROE in order to respond to mission and threat in their AOR. ^{xi} (JP 3-05 2007)

Geographic Combatant Commanders (GCC) operates in defined areas of operation and has a distinct regional military focus.

DOD defines Combatant Command (COCOM) as: a unified or specified command with a broad continuing mission under a single commander established and so designated by the President, through the Secretary of Defense and with advice and assistance of the Chairman of the Joint Chiefs of Staff. Combatant commands typically have geographic or functional responsibilities. ^{xii} (JP 3-05 2007)

Commanding Officers are typically between the rank of Lieutenant Commander (O-4) and Captain (O-6). A master is the civilian equivalent of a Commanding Officer serving in an active Military Sealift Command ship. The master is responsible for the safe operation of this ship and all personnel onboard.

Data Collection Method

Data relevant to this analysis can be found in official Navy records, congressional testimony, speeches, open source reporting, and personal interviews. Official Navy records include congressional testimony transcripts of presentations by naval officers and officials, approved Navy briefs, speeches, released naval messages; and approved press releases. Public reporting includes newspaper articles, military theses, military and naval journal like the Naval War College Review and professional journals such as the U.S. Naval Institute Proceedings. This assessment included personal interviews with subject matter military experts on expeditionary warfare, naval force structure, and shipboard maintenance. The research originated in 2001 and concluded in 2014.

Importance of Forward Presence

The United States must maintain the ability to maintain forward deployed forces and to respond quickly to crises around the globe. The Department of the Navy remains the nation's most potent strike ability with the possible exception of long-range Air Force bombers and Intercontinental ballistic missiles (ICBMs). By maintaining a forward presence we deter aggression, build

partnerships, and retain maritime competencies within our naval forces.

In addition, we can utilize the military to achieve foreign policy and diplomatic goals. The recent events related to the "Arab Spring" in the Middle East, the Russian invasion of the Ukraine, and the recent terrorist attacks in France demonstrate that the United States must retain the ability to act on short notice around the world. The absence of United States forces from a region may allow hostile leaders to capitalize on the vulnerability of poor nations and poor people.

The 2014 Quadrennial Defense Review (QDR) recognizes defending the homeland, building global security through the establishment of partnerships, and remaining prepared to defeat any adversary as the three most important strategic pillars. The current terrorist threat remains high. The United States Navy has been involved in missions as varied as anti-piracy operations off the coast of Somalia, humanitarian and disaster relief efforts in Japan and the Philippines, maritime security operations in the Arabian Gulf, and ballistic missile defense in support of Israel and Japan. In the words of General Lloyd Austin, a four star U.S. Army general and Commander of Central Command:

The USCENTCOM military presence will continue to become more maritime in character, supported by expeditionary land forces and have strong air enablers. I anticipate the need to sustain maritime defense, anti-fast attack craft capabilities, amphibious ships, and mine-countermeasure capability and Intelligence Surveillance and Reconnaissance capabilities.^{xiii} (Austin 2013)

Afloat Staging Base Missions

Sea basing is important for maintaining global presence. Sea basing allows the United States to conduct operations without the utilization of a secure port. The use of the Mobile Landing Platform, Joint High Speed Vessel, Afloat Staging Base, and Theater Support Vessel will support the full range of military operations.

The most likely uses for these vessels are sealift, theater security cooperation, and the conduct of humanitarian assistance and disaster relief operations. These missions are typically assigned to USNS ships, and commercial vessels of opportunity. These missions are permitted by law and do not violate the Law of the Sea, Geneva Conventions, or Law of International Armed Conflict.

There are several situations that may require that these ships be designated as United States Ships (U.S.S.). These include situations where the vessels might be involved in counter proliferation against non-state actors in territorial waters, the conduct of mine clearing operations in territorial waters, or being employed in

direction action against a non-state actor within a hostile nation state. These vessels could not be permitted to conduct direct action against a nation state within the nation states recognized territory without converting to United States Ships (USS). Strict adherence to the law of International Armed Conflict will prevent the United States from committing an illegal act.

Operational Capability

These ships are designed to operate for approximately 30-45 days without replenishment from other auxiliary vessels. Kris Osborn, who served as a former information liaison in the Assistant Secretary of the Army Acquisition office and who now reports on military operations, states

Furthermore with Combatant Commander's request for amphibious assault ships far exceeding the actual number of ships available, Mobile Landing Platform can meet some of the additional demand for expeditionary and maritime operations.^{xiv} (Osborn 2015)

These ships are ideally suited to assist in non-combatant evacuation operations. They can support Landing Craft Air Cushion (LCACs) and helicopters, which would be used to transport personnel to the ship. Each ship's berthing spaces can accommodate up to 400 personnel.

Additionally, the ships have the capability and capacity to serve as flagships for anti-piracy operations.

The ships can be used for numerous missions such as non-combat evacuation operations, replenishment operations, launching of Landing Craft Air Cushion (LCAC), and logistical support operation. In the event of conflict, the ships can be used as floating pier facilities for other US ships to conduct replenishment operations and repairs. These ships can also be used to establish and maintain a seabase as well.

Platforms

When compared to other options, the Joint High Speed Vessel, Mobile Landing Platform, and Theater Support Vessels are very affordable. The Navy has committed to purchase three Mobile Landing Platforms at \$450-500 million per ship. The Joint High Speed Vessel program is scheduled to deliver ten ships for a total cost of \$2.5 billion dollars. Military Sealift Command recently submitted a request for a proposal for a Theater Support Vessel. In comparison, the initial Littoral Combat Ship costs \$450 million dollars per ship. (Oestergaard 2014)

The Joint High Speed Vessel is designed to rapidly transport troops, military vehicles, and equipment for Army and Navy missions. Each JHSV can operate at 35 knots and is capable of operating in shallow ports and littoral areas not accessible by larger Navy ships. It is capable of

supporting day and night flight operations and can land the CH-53E helicopter. On the other hand, the JHSV does not have any armament or self-defense capability. (Austal 2014)

The Theater Support Vessel must be capable of operating around the globe for 90 days without sustainment from Navy auxiliary vessels. It must be capable of berthing 29 military members and 45 contractors while providing a robust communications suite. Lease information obtained from a 2010 Naval Postgraduate School thesis indicates that it costs \$27, 827 dollars per day to lease a vessel for use by special forces. The baseline lease costs \$7.5 million dollars and \$2.5 million dollars were included for operating costs. (Bummara, Justin, Clark, William, and Kelley, Christopher 2010)

The Mobile Landing Platform is intended to serve as a floating pier or a transfer station at sea. The ship will be used to support Marines ashore and to provide assistance during disaster relief operations. The ship has a top speed of 20 knots and is built to commercial standards vice military standards. The ship is able to accommodate three hovercraft, berthing modules for visiting personnel, and vehicle storage area.

Military Sealift Command Manning Analysis

The Center for Naval Analyses conducted an analysis of civilian mariners operating auxiliary ships for the United States Navy and determined there was a significant benefit in cost savings to the United States Navy and no decrease in performance or readiness. Several differences between civilian mariners and Navy personnel were highlighted in the study.

First, the age difference and experience level between civilian mariners and officers and enlisted personnel in the Navy is significantly different. The civilian mariners had twice the amount of time at sea when compared to the most experienced Navy personnel with 20 or more years of service. Military Sealift Command ships are not subject to the PERSTEMPO and OPTEMPO restrictions placed on naval ships contributing to long periods of time at sea. Civilian mariners receive far less tactical training than navy personnel. Additionally, Military Sealift Command ships are subject to the same force protection requirements as Naval vessels with significantly fewer personnel onboard, increasing the reliance on third country nationals or military security detachments.

Second, civilian mariners are often more qualified in specialized technical fields than a conventional Surface

Warfare Officer. The civilian officers must meet or exceed U.S. Coast Guard standards for navigation, ship handling, and Rules of the Road. Civilian mariners are licensed by the United States Coast Guard. However, Navy division officers, Department Heads, and Commanding Officers are also required to pass the same Coast Guard Rules of the Road examinations during several courses at Surface Warfare Officers Schools Command and during the inter-deployment training cycle but do not require a professional license to operate. Civilian mariners receive little to no tactical training due to operating naval support vessels, while Naval Officers receive tactical training during Division Officer, Department Head, Executive and Commanding Officer training pipelines.

Third, the civilian sector selects applicants based on a two path career system divided between operations and engineering. The United States Navy assigns enlisted personnel and officers based on the needs of the Navy and personnel shortfalls forecasted on the ship. Each individual ship is responsible for predicting shortfalls and requesting personnel to arrive in advance so they do not experience a shortage in personnel. Commanding Officers have the obligation to ensure that officers receive the most diverse experience in their division

officer tours in preparation for becoming future Commanding Officers. In an attempt to achieve this diversity, officers usually split time in operations (topside) and engineering billets.

Fourth, the Center for Naval Analyses study examined the turnover rates of civilian mariners and shipboard personnel. Civilian mariners and shipboard personnel experienced high turnover rates, but civilian mariners arrived onboard the ship better qualified than enlisted personnel and officers. Many enlisted personnel and officers are required to attend formal training for their jobs after reporting aboard the ship due to deployment, operational tempo, and inspections.

In a 2005 study by the Center for Naval Analyses it was noted:

USN Ship Manning Document policy assumes that a crew must be able to fight the ship (continue to carry out its mission) while performing damage control and fighting an onboard fire, even though USN experience over the past half century (and MSC/private sector practice) has been to cease operations until fires/and/or damage are contained. ^{xv}
(DiTrapani, Anthony R., and John D. Keenan 2005)

Finally, the 2005 study concluded, the outsourcing of noncombatants has been successful, combatants need to be manned by Navy personnel. The study noted that four Navy Command ships are operated by MSC and have civilian mariners onboard but it does not address the consequences

of these ships serving in combat and command and control platforms.

Legal Review

The USS PONCE (AFSBI 15) and USS MOUNT WHITNEY (LCC 20) are two Navy ships that operate with a hybrid crew of civilian and Navy personnel onboard. The PONCE serves as the host platform for mine countermeasure operations and special forces in FIFTH Fleet, while the USS MOUNT WHITNEY serves as the command ship for SIXTH Fleet. Civilians embarked onboard these ships operate and manage the engineering plant, perform deck operations such as mooring the ship and conducting underway replenishments, and logistical operations. Under international law these duties are permissible. Merchant Marines accompanying military forces under the Geneva Conventions (Article III) are granted Prisoner of War status. Both ships could be potentially used as command and control platforms in the event of hostilities. The Mobile Landing Platforms, Afloat Staging Bases, and Theater Support Vessels face the same dilemmas as the warships with regards to civilians participating directly in hostilities.

Another legal issue is in regard to rights of passage. Under the Law of the Sea Convention these ships are afforded the right to transit international straits under

transit passage. Bordering states may regulate the transit of ships in the straits however. For instance, Iran constantly challenges U.S. vessels as they transit the Straits of Hormuz and approaches to several islands located in the Persian Gulf.

There are two additional critical issues the Navy must confront when allowing civilians to serve onboard auxiliary ships. The close proximity of these ships to the littorals and the variety of missions carried out by the ships present obvious legal concerns with civilian mariners onboard the ship. Civilian mariners are permitted to serve aboard auxiliary ships and are protected under the Geneva Conventions. But there are complications.

The first issue is whether the auxiliary ship will be tasked with missions that may only be conducted lawfully by warships under international law. Under international law, only a warship may conduct belligerent acts, such as launching offensive attacks. A warship is defined as a ship belonging to the armed forces of a nation bearing the external markings distinguishing the character and nationality of such ships, under the command of an officer duly commissioned by the government of that nation and whose name appears in the appropriate service list of officers, and manned by a crew that is under regular armed

forces discipline. The mere presence of a number of civilians onboard a warship does not alter the status of the vessel. United States warships fly the jack from the forward mast and the United States ensign from its aft masts as a means of identification. The jack is typically displayed daily from all commissioned U.S. ships from 0800 to sunset when in port or at anchor.

The FY-07 Defense Authorization Act, states civilians that accompany military forces during war or contingency operations are subject to the Uniform Code of Military Justice.^{xvi}

Since that date, civilians who accompany military forces during war or contingency operations are subject to the Uniform Code of Military Justice. Depending on the type of mission being conducted and the type of conflict involving the Mobile Landing Platform, Joint High Speed Vessel or Afloat Staging Base may need to be re-designated as a warship. As evident by the Exocet missile attack on the civilian container ship the Atlantic Conveyor during the Falklands War of 1982, ships with civilian mariners are vulnerable to attack during conflict. The Atlantic Conveyor had offloaded 14 Harriers to HMS Hermes and HMS Invincible and was transiting to the San Carlos assault operations area when attacked by air to surface missiles.

The ship was abandoned, 12 personnel died, and much needed supplies were not delivered.

The second issue is that civilians serving on the ships would be viewed as directly participating in hostile activities. The Fourth Geneva Convention normally protects civilians from being the object of an attack unless they take a direct part in hostilities. As noted in the Convention's Protocol,

Civilians who take a direct part in hostilities, because they do not fall into one of the categories of privileged belligerents in article 4 Third Geneva Conventions, they may be detained without receiving Prisoner of War status and they may be tried as criminals under domestic law of the detaining state since they would not receive the combatant immunity that combatants receive.^{xvii} (<http://www.cfr.org>)

Civilians operate many of the military's unmanned aerial vehicles ashore and at sea. If an unmanned vehicle were used to provide targeting information then the civilian would be considered directly involved in hostilities and subject to retaliation from a nation or non-state actor. Many nations view the use of drones and aerial vehicles conducting attacks on their sovereign territory as an act of war and civilians who operate those vehicles are considered combatants.

In the event that a Mobile Landing Platform, a Joint High Speed Vessel, or an Afloat Staging Base conducts

attacks then civilian crew members would be subject to prosecution or punishment by the state being attacked. The use of unmanned systems to conduct surveillance; detonation or clearing of mines would cause the Mobile Landing Platform, Afloat Staging Base, and Theater Support Vessel to change its designation to a warship. Additionally, if these ships are equipped with organic offensive weapons they must be designated as a warship. Augmentation of amphibious forces and combat forces by the Mobile Landing Platform, Afloat Staging Base, and Theater Support Vessel may cause countries to feel the ships are directly participating in hostilities. Countries with proof that the ships are directly participating in hostilities will be justified in attacking them.

Further complicating legal matters would be notification of the change in status from auxiliary vessel to warship. This would create suspicion and even prompt some hostile actors to attack U.S. vessels prematurely or to designate it as hostile.

RAND Research Findings

Another relevant analysis is the 2007 RAND research study titled Warfighting and Logistic Support of Joint Forces from the Joint Sea Base. RAND analysts addressed the fundamental concept of seabasing and how it can provide

joint force commanders with accelerated deployment of naval power. The study supported reducing the distance between the seabase and the supported ground troops and the use of LCAC's and MV-22 Osprey aircraft to conduct sustainment operations. However, the analysis did not explain how these vessels would be protected from coastal defense missiles nor small boat attacks. Although the research was conducted eight years ago the RAND analysts failed to anticipate and address inadequate shipping inventory we face today. In addition, the study did not anticipate problems the Marine Corps may have with the Army utilizing ships intended to support the Marine Corps from the seabase.

This RAND study failed to address any threats to the ships except weather. We have to consider that in combat, these ships will face the potential of enemy attack. Due to the proximity of these ships to the littorals, it is very likely these ships will fall well within the range of enemy mobile and fixed coastal defense missile sites. LCAC's are vulnerable to contact mines and must be operated in sea states of three or less. The study also considered using a Joint High Speed Vessel to augment LCAC's for offloading. Similar to the LCAC, the Joint High Speed

Vessel is vulnerable to operations in sea states above state 3 and the need to offload in a secure port location.

In a related problem, Army personnel would require training to conduct landings and launches from the Mobile Landing Platform and Afloat Staging Base. The U.S. Army Operating Concept released in October 2014, does not adequately address the Army's plan to transport and sustain Army forces from the seabase. (Training and Doctrine Command 2014) The amphibious assault mission and disaster relief operations missions from onboard US Navy ships has been reserved for the Marine Corps. While moving the Army ashore utilizing LCAC's and MV-22's would be beneficial to the joint force, the Marine Corps would suffer due to an overall shortage of U.S. Navy ships, and the lack of training assets. Additionally, this is likely to affect deployment cycles of aviation and ground units. (Grady 2014)

Finally, while it is clear that being able to support operations from the seabase is important, simultaneous support of the Army and Marine Corps would be very difficult with limited maritime lift capabilities. These operations would probably be successful in an uncontested environment where the ships did not face a maritime threat. The United States Army has failed to develop and

incorporate a seabasing doctrine concept into its overall operating concept and it would require training for Army personnel to be indoctrinated into seabasing operations. (Training and Doctrine Command 2014) Considerations need to be made for operating in a hostile environment, and how the seabase will be protected from enemy ships and coastal defense missiles.

Conclusion and Recommendations

The United States Navy will require additional ships to maintain an effective operational presence in the Middle East, Pacific, and Mediterranean areas of responsibility. Our national economy and security objectives depend on maintaining open sea lines for trade and commerce. The decreasing budget and associated personnel cuts will require the Navy to decide whether non amphibious ships and special mission ships should be used to conduct specialized missions. These missions include visit board search and seizure, mine countermeasures, humanitarian assistance and disaster relief operations, and theater security operations.

The Mobile Landing Platforms, Afloat Staging Bases, and Joint High Speed Vessels offer the Navy a lower cost solution to accomplish many missions currently being accomplished by billion dollar surface combatants. As

previously noted by the Chief of Naval Operations and several combatant commanders there is a shortage of Navy ships to support operational war plans. The use of these ships can reduce the high operational tempo of amphibious ships and provide the presence the combatant commanders desire. It must be recognized, however, that while these ships would be ideal for humanitarian disaster relief operations, maritime training missions with partner nations, conducting port visits and theater security operations, and serving as a logistics centers for other US Navy ships that they are limited in their ability to project offensive power. Critics will undoubtedly question the survivability of merchant ships in a wartime environment, these ships proved to be vulnerable to mines, and small boat attacks during the Tanker Wars. In today's anti-access environment, the ships would face more threats such as potential armed drones, surface missile attacks launched from small combatants, and coastal defense missile sites. They also will highlight the lack of a combat systems suite onboard the ship and the need for research and design to be conducted on the particular weapons selected for use aboard the vessels. It is unclear from a budgetary perspective if the Navy can afford to equip each

vessel with emerging technologies such as lasers and the electromagnetic rail gun.

Additionally, support ships such as the Mobile Landing Platform and Afloat Staging Bases could and should be manned with a hybrid civilian crew including an active duty Commanding Officer. Since the Surface Warfare Community currently faces, a shortage of Commanding Officers at the 0-6 level, I propose looking at other unrestricted line officer communities such as the aviation and submarine community to fill these Commanding Officer billets. This proposal will follow the same format use to select Commanding Officers for large deck amphibious ships and submarine tenders. The proposal will help get experienced Commanding Officers at sea in charge of these vessels. Further research should be conducted to determine if the potential exists for using post Commander Command 0-5 Surface Warfare Officers waiting to be screened for Major Command or 0-5 Special Mission screened Commanding Officers for these billets. Manning these platforms with Navy Personnel will support conducting offensive operations against nations and non-state actors in the event of hostilities. The military crew-members will not be subjected to the furloughs experienced during the Budget Control Act of 2013 while civilians may see a reduction in

man-hours and job availability. Pro-hybrid crew analysts also argue that substituting a hybrid crew with a military detachment lead by an Officer in Charge will not be sufficient. The Officer in Charge will likely lack the tactical experience of a traditional Navy Commanding Officer, will likely not have a peer to peer relationship with the ship's master, and has limited Uniform Code of Military Justice authority.

Crews should be required to complete a training cycle consisting of navigation, communication, engineering, and damage control inspections prior to being certified for combat operations. The rotational crew use will likely increase personnel costs for the Navy but the sea pay costs will be cheaper than paying per diem and housing for a rotational crew. Permanent crewing similar to the LCC Command ships would be much cheaper for the Navy.

There should be a review of permanent Navy crew of the Mobile Landing Platform, Afloat Staging Base, and Joint High Speed Vessel. Proponents will highlight the current manpower shortfalls the Navy faces and advocate for civilian mariners to man these ships. Additionally, the new sea pay premium is estimated to add \$66 million dollars per year to the Navy's personnel costs. They will also argue the PONCE, MOUNT WHITNEY, and other civilian crewed

vessels have been successful in the operating area. Critics will highlight the potential legal issues associated with civilian mariners manning non-combatants and potential Budget Control Act implications for civilian mariners.

The Mobile Landing Platform, Joint High Speed Vessel, and Afloat Staging Base must be equipped with the basic command and control suite consisting of SHF, VHF, HF, VOIP lines, and UHF systems. If necessary additional communications systems may be installed or bought onboard to support a command staff if required. Equipping the ship with the minimal required to conduct the mission will reduce costs and lower maintenance requirements on the crew.

The ships manned with civilian crewmembers are not immune from attack due to the presence of civilians onboard. Additional research will be required prior to implementation of the Mobile Landing Platform, Afloat Staging Base, Joint High Speed Vessel, and Theater Support Vessel into fleet operations. Command of these ships by civilian mariners complies with international rules and regulations. Civilians may be subject to attack simply due to their presence onboard a warship. In order to prevent legal violations of direct participation in hostilities by

civilians, the United States Navy ensure a commissioned officer with weapons release authority is aboard the Mobile Landing Platform, Afloat Staging Base, and Theater Support Vessel. Command and control and weapons release authority billets should not be occupied by civilians. Legal opponents of conducting offensive operations from these ships, will argue that civilians should be restricted from occupying billets directly and indirectly involved with command and control and weapons release authority.

In order to support Special Operations Forces, it is recommended that the former Austin class Landing Platform Dock (LPD) ships be transformed into theater support vessels. Ponce should be moved to the EUCOM/AFRICOM area of operations once relieved by the Lewis B. Puller and receives a maintenance overhaul in the United States. Ponce could be easily homeported in Naples, Augusta Bay, or Souda Bay with approval from host nations. Additionally, we must continue to work with the European nations to establish a rotational schedule for ships that can be used to transport special operations and conventional forces in the region should the need arise. The British RFA ships are similar in design and organization structure as US ships and Military Sealift Command. These ships have command and control capability, aviation facilities, and enough storage

to accommodate the equipment of special operators. Since these ships already carry a U.S.S. designation, they can be used for combat operations without the requirement to be re-designated should they be required to conduct offensive operations. Designating this ship specifically for Special operations forces will allow other amphibious ships to support Marine Corps requirements and prevent a time share of the ship. Stationing one of these ships in 5th Fleet and one in 7th Fleet will help alleviate the shortage for special operations maritime platforms. Upon completion of the retrofit and maintenance Motor Vessel Cragside should be assigned to 5th Fleet to augment USNS Lewis B. Puller. Cragside will serve as the primary special operations transport vessel in the area, allowing Puller to conduct other missions such as mine warfare, flight operations, maritime security, and training. Additionally, Military Sealift Command and SOCOM will no longer be required to submit request for proposals from civilian companies to provide combat capability and capacity to Combatant commanders if PONCE and DENVER are available for use. A Joint High Speed Vessel should be homeported in Mayport for use by SOUTHCOM and 4th Fleet. The ship will conduct theater security operations, drug interdiction, and promote diplomacy in a region where we do not operate in

the maritime domain with the exception of counternarcotic deployments and a few small maritime exercises.

Additionally, SOUTHCOM submitted an unfunded request for an Afloat Staging Base and proposed that the vessel conduct a 90-180 day proof of concept deployment annually.

Currently, the unfunded requirement has not been addressed due to budgetary pressure and a shortage of ships. During conflict, the civilian vessels maybe subject to increases in insurance rates or refusal to insure if conducting operations within a combat zone.

These vessels may be vulnerable to attack and will require force protection from surface combatants. As indicated in the 2006 attack on the Israeli corvette Hanit and a merchant ship, these ships are vulnerable to anti-ship cruise missiles launched from air, sea, and land. Additionally, the ships do not have a reduced magnetic signature as Navy ships and could be vulnerable to mines laid in waters where they would transit. Merchant ships structure and design requirements differ from U.S. Navy.

However as evidenced in the Tanker Wars

the super-tanker-sized crude carriers turned out to be difficult targets to sink or even seriously damage. Many of the ships struck by missiles during the Tanker Wars survived due to water being placed in empty tanks to assist with ballast thus creating little damage.^{xviii} (Zatarian 2008)

Navy personnel are also trained to continue to fight the ship once damage is suffered while civilian mariners will likely concentrate on saving the ship.

These ships will be value to combatant commanders due to their storage capability, sea keeping ability, endurance, and variety of mission sets they can accomplish.

Since SOCOM is exempted from normal budget justifications, it is not likely that the Navy will agree to fund 100% of the costs of the Ponce and Denver 100% if they are used completely as a special operations platform. Therefore, it is recommended that SOCOM should pay for the maintenance and operations of the ships if the Navy provides the crew to operate the ship. This will help alleviate some strain on the Navy budget while providing special operators and combatant commanders with a dedicated special operations platform.

In conclusion, the United States Navy should proceed with using the Mobile Landing Platform, Joint High Speed Vessel, and Afloat Staging Base to establish a seabase. Only the Joint High Speed Vessel shall be used as a transport ship for special operations and conventional forces due to its speed, berthing accommodations, and cargo space. Utilizing the Mobile Landing Platform, and Afloat

Staging Base place special operations forces at risk for attack due to the lack of defensive weapons aboard the ships. Finally, the ships are limited by speed and will likely require an escort for force protection.

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